

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12-1-03

121-

AGENDA SECTION: CONTINUED - PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-5</b>
ITEM DESCRIPTION: <i>Zoning District Amendment #03-19 by Forbrook-Bigelow Development to rezone approximately 2.40 acres from R-1 (Mixed Single Family) to B-4 (General Commercial) and approximately 13.32 acres from R-1 to R-1X (Mixed Single Family Extra). The property is located along the south side of 7<sup>th</sup> Street NW and along the east side of West Circle Drive and north of Lake Street NW.</i>		PREPARED BY: Mitzi A. Baker, Senior Planner

November 19, 2003

As requested by the applicant, this item was continued from the November 3, 2003 meeting to the December 1, 2003 meeting.

### City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on October 8, 2003, to consider this petition.

Ms. Rivas moved to deny rezoning 2.4 acres from the R-1 (Mixed Single Family) district to the B-4 (General Commercial) District (Zoning District Amendment #03-19 by Forbrook-Bigelow Development) with the staff-recommended findings. Mr. Burke seconded the motion. The motion carried 7-0.

Mr. Burke moved to approve rezoning 13.32 acres from the R-1 (Mixed Single Family) to the R-1x (Mixed Single Family Extra) District (Zoning District Amendment #03-19 by Forbrook-Bigelow Development) with the staff-recommended findings. Mr. Burke seconded the motion. The motion carried 7-0.

### Planning Staff Recommendation:

See attached staff report.

### Council Action Needed:

*The Council should direct the City Attorney to prepare findings of fact reflecting the Council's decision on this zone change.*

*If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.*

### Distribution:

1. City Administrator
2. City Attorney: Legal Description attached
3. Planning Department File
4. McGhie & Betts, Inc.
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday December 1, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

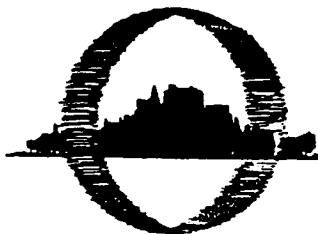
### COUNCIL ACTION:

Motion By:

Seconded By:

Action:

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**ROCHESTER-OLMSTED PLANNING DEPARTMENT**  
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*

[www.olmstedcounty.com/planning](http://www.olmstedcounty.com/planning)



**TO:** City Planning and Zoning Commission

**FROM:** Jeff Ellerbusch, Senior Planner *JE*

**DATE:** October 3, 2003

**RE:** Land Use Plan Amendment Petition #03-05 by Forbrook-Bigelow Development to amend the Land Use Plan designation from "Low Density Residential" to "Commercial" on 2.4 Acres of Land at 7<sup>th</sup> Street NW and West Circle Drive and Zone Change #03-19 to Rezone from R-1 (Mixed Single Family) District to the B-4 (General Commercial) District the same 2.4 Acres and the adjacent 13.32 acres from R-1 (Mixed Single Family) District to R-1X (Mixed Single Family Extra) District.

**Planning Department Review:**

**Petitioner:** Forbrook-Bigelow Development  
706 County Road 3 NW  
Byron, MN 55920

**Location of Property:** The property is located along the east side of West Circle Drive (CSAH 22) and south of 7<sup>th</sup> Street NW. The property in question is the wooded land across Circle Drive from the back of Harriet Bishop Elementary and just north of Lake Street NW. It has historically been the site of a single-family home on the top of the hill with a driveway from 7<sup>th</sup> Street NW. The 2.4 acres of proposed "commercial" land is at the corner of 7th Street NW and West Circle Drive.

**Requested Action:** The applicant is requesting a Land Use Plan Amendment from "Low Density Residential" to "Commercial" on 2.4 acres; rezoning of the 2.4 acres from R-1 to B-4 and rezoning of 13.32 acres from R-1 to R-1X.

**Existing Land Use:** This 17 acre tract in it entirety has historically been



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the site of one single-family home located on the top of the hill with a driveway from 7<sup>th</sup> Street NW. The property is heavily wooded with elevations ranging from 1030' MSL on the south, to the hilltop home site at 1110' MSL, to the 7<sup>th</sup> Street frontage of 1060' MSL.

**Proposed Land Use:**

Approval of a general development plan that includes the land subject to this amendment and rezoning petitions has also been concurrently submitted. The proposed GDP is called "Oakridge Manor". The plan does not reflect any specific uses for the 2.4 acres requested for "commercial" designation and B-4 zoning. The 13.32 acres proposed for R-1X zoning is shown to be the site of 44 townhome units, in 22 Two-unit buildings, at an overall density of 3.3 units per acre.

**Adjacent Land Use and Zoning:**

Adjacent to the east, south, and north (across 7<sup>th</sup> Street NW) are single-family detached homes zoned R-1 (Mixed single Family) District. To the west across Circle Drive are single-family homes and Harriet Bishop Elementary school zoned R-1 (Mixed Single Family) District. At the northwest corner of the property across the 7<sup>th</sup> Street and Circle Drive intersection is a small office/retail building zoned B-1 (Restricted Commercial) District.

**Transportation Access:**

This property is adjacent to West Circle Drive (CSAH 22), a designated "Expressway" (4-lane) along its entire west boundary and 7<sup>th</sup> Street NW, a classified 2-lane "Collector" along its entire northern boundary. A traffic stoplight controls the intersection of 7<sup>th</sup> Street and West Circle Drive. Lakeridge Place NW, a "Local" residential street on a 56' wide ROW, is stubbed to the east property line of this parcel to provide an additional connection to the adjacent neighborhood to the east. No direct driveway access will be permitted to the property subject to the rezoning petitions from West Circle Drive or 7<sup>th</sup> Street NW. All access must be taken from the planned extension of Lakeridge Place NW to 7<sup>th</sup> Street NW.

The combined impact of additional traffic generated by the proposed commercial and residential development and anticipated traffic growth on West Circle Drive may lead to congestion and queuing problems at the Circle Drive / 7<sup>th</sup> Street intersection (see attached comments from the Transportation Staff).

The potential exists for the need for a right turn lane into the property from 7<sup>th</sup> Street based on the intensity

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of development (see attached comments from the Transportation Staff).

**Wetlands:**

There are no hydric soils mapped on this site and no wetlands identified on the National Wetland Inventory Maps.

**Referral Comments:**

1. Transportation Staff
  2. County Engineer
  3. MnDot
- All other agencies responding had no comments.

**Report Attachments:**

1. Referral letters (3 pages)
2. Land Use Plan Amendment Location Map
3. Zone Change Exhibit Location Map
4. Aerial Photo
5. Future land Use Plan
6. Zoning Map
7. Proposed GDP of "Oakridge Manor"
8. Rochester Urban Service Area Land Use Plan Text Excerpts (4 pages)

**Land Use Plan Amendment Analysis:**

The applicant requests an amendment to the Rochester Future Land Use Plan Map to designate 2.4 acres of this property for "commercial" land use. The Rochester Urban Service Area Land Use Plan includes several categories for "commercial" land uses and locational criteria for these various types of "commercial" designations (see attached excerpts). This property does not completely fit into any of the primary categories. Too small to be considered a "community" or "regional" shopping center; not a "highway commercial" use because its location is not on a major highway approach. Based upon its small size and its location at the intersection of a "collector" street (7<sup>th</sup> Street NW) and a higher level street (West Circle Drive "expressway"), the most closely fitting commercial use category would be the "neighborhood shopping center" class.

The site is too small at 2.4 acres to meet the recommended threshold of 4 to 8 acres for a "neighborhood shopping center". The 2.4 acres has relatively level terrain, with 13 feet of elevation change, but it can't be enlarged in area without including land that has steeply sloping, heavily wooded terrain. It is located at the intersection of a "collector" and a higher order street as the locational criteria requires and would have good pedestrian accessibility, but the site, because of its driveway access location in relation to the intersection, does not have "good" vehicular access for many of the various commercial uses potentially permitted if zoned B-4 as requested. There is an existing count of approximately 2500 housing units in a mile radius of the site, but the site does not have enough land to provide commercial use at a rate of 2.5 acres per thousand households. The existing neighborhoods of this general area are already in proximity to existing "commercial" areas to the east on 7<sup>th</sup> Street NW and to the west around the 9<sup>th</sup> Street / Circle Drive intersection.

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**Staff Suggested Findings on the Land Use Plan Request:**

*Please see the attached excerpts from the Rochester Urban Service Area Land Use Plan for the site location criteria for "Neighborhood Shopping Center". The following are staff suggested findings to these criteria:*

- a) The property is located at the intersection of a "collector" and higher level street, but too close to the intersection because of its narrow width to provide adequate access for many intensities of potential commercial use.
- b) This property at 2.4 acres has relatively level terrain, which will be made more level with future grading as part of the development, however the existing topography of the surrounding undeveloped property is not suitable for the expansion of the site in area because of the steep terrain. This limits the potential to increase the size of the "commercial" designation.
- c) The size of the property, at 2.4 acres, is too small to meet the locational criteria guidelines for any of the various types of shopping areas needed to be met to qualify for designation of "commercial" on the land use plan. It is also too small to provide land area at a rate of 2.5 acres per 1,000 neighborhood households.
- d) The property is not on a major highway approach to the City so it does not qualify to be considered a "highway commercial" use.
- e) The site appears to be a candidate for non-residential use as only as an "isolated commercial" use or in a residential mixed use development.

**Staff Recommendation on the Requested Land Use Plan Amendment:**

*The proposed amendment to the Future Land Use Map from "Low Density Residential" to "Commercial" is not warranted by the findings at this location.*

**Analysis of the R-1 to B-4 Zoning District Amendment:**

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria (**criteria in boldface, staff findings in underlined italics**):

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
  - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
  - b) The area was originally zoned erroneously due to a technical or administrative error;
  - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service

Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or

- d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

If Land Use Plan amendment #03-05 is approved, the current zoning of this property will be inconsistent with the Land Use Plan designation for this site. If the plan designation is not changed as recommended by staff, the existing R-1 zoning of the property is consistent with the "Low Density Designation". The area was not erroneously zoned R-1, but the construction of West Circle Drive has changed the area to a degree that to encourage development some alternative to the R-1 zone would be appropriate.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:

- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

Although some uses allowed within the B-4 (General Commercial) zoning district could be appropriate for this property, there are numerous uses permitted in the B-4 district that would not be appropriate on this property. The intensity of development permitted in the B-4 district and the permitted hours of operation would not be appropriate on the subject property presently surrounded by detached single family homes.

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

The establishment of the requested B-4 (General Commercial) District on this site would create a "spot zoning" situation. This site is a small property and is not adjacent to any other B-4 zoned area.

#### **Staff Recommendation on the R-1 to B-4 Zone Change Request:**

**Staff suggests that the findings do not support re-zoning this property to the B-4 (General Commercial) zoning district. The only commercial zoning district that would be appropriate at this location is the B-5 (Residential Commercial) District designed to be used on small lots in residential areas.**

#### **Analysis of the R-1 to R-1X Zoning District Amendment:**

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria (criteria in boldface, staff findings in underlined italics):

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:

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- a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
- b) The area was originally zoned erroneously due to a technical or administrative error;
- c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
- d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

The requested R-1X (Mixed Single Family Extra) District on the 13.32 acres and the existing R-1 (Mixed Single Family) District are both consistent with the plan designation of "Low Density Residential". The requested R-1X zone better furthers the policies of the Comprehensive Plan and Housing Plan by providing for an alternative style (townhomes) of low density residential development aiding the desirable mixture of housing choices.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:

- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

The R-1X (Mixed Single Family Extra) District requested allows attached single family housing at a density compatible with a low density residential neighborhood and allows the same other uses as the R-1 (Mixed Single Family) District. Attached single family housing at this location with access to the "local" street system at the entrance to the neighborhood meets the intent of the R-1X District found in Section 60.323 of the Rochester Land Development Manual and will not compromise the traffic levels on the immediate street system. The intent of the R-1X District is also to ... "maintain and promote areas of relatively low residential density...of various styles designed to meet the housing needs of the complete range of one-family households." This rezoning to R-1X supports that intent.

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

At a size of 13.32 acres this rezoning request should not be considered "spot" zoning. The purposes of the R-1x District set forth in the LDM are consistent with goals of the Land Use Plan for the Rochester Urban Service Area to promote a mixture of low-density housing types in Rochester neighborhoods.

**Staff Recommendation on the R-1 to R-1X Zone Change Request:**

Staff suggests that the findings support approval of the rezoning of the requested 13.32 acres from the R-1 to the R-1X zoning district.

**SUMMARY OF RECOMMENDATIONS:**

The staff recommends denial of the requested Land Use Plan Amendment from "Low Density Residential" to "Commercial" on the 2.4 acres.

The staff recommends denial of the requested rezoning of the 2.4 acres from the R-1 (Mixed District Single Family) District to the B-4 (General Commercial) District. There are more compatible zoning options available to allow some level of non-residential development on the 2.4 acres such as developing the property as "mixed use / restricted development" under the provisions of the LDM or the more restrictive provisions of the B-5 (Residential Commercial) District.

The staff recommends approval of the requested rezoning of 13.32 acres from the R-1 (Mixed Single Family) District to the R-1X (Mixed Single Family Extra) District.

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TRANSPORTATION STAFF  
DEVELOPMENT APPLICATIONS REVIEW DATABASE - 2003

Jurisdiction	Application	Comments
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November 2003

City		
City		

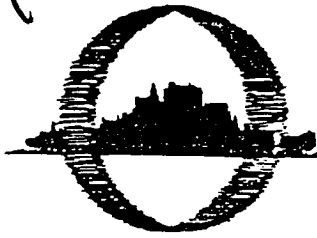
October 2003

City		
City		

SEPTEMBER 2003

City	GDP # 217 and Land Use Plan Amendments #03-19 Oakridge Manor	<ul style="list-style-type: none"> <li>Average daily traffic on West Circle Drive is 16,000 and projected to be 26,000 in 2025, between 7<sup>th</sup> Street NW and TH 14 interchange</li> <li>Average daily traffic on 7<sup>th</sup> Street NW between West Circle Drive and Lake Street NW is 2600 and projected to be 6,600 in 2025.</li> <li>The Long Range Thoroughfare Plan identifies West Circle Drive as an access control Expressway. The entire length of west side of the proposed development along the West Circle Drive should be access control.</li> <li>Considering roughly 76,000 square feet of general office and specialty retail use on the proposed commercial site, we will have 2000 average daily trips (50% inbound and 50% outbound). Altogether 1100 trips will be generated by the single-family houses in Lake ridge Lane, Lakeridge Drive including the proposed 44 town homes in Oakridge Manor (50% inbound and 50% outbound).</li> <li>Using Oregon Criteria for Right Turning Lane, the development will require right turn between the West Circle Drive and the proposed public road which serve Lakeridge LN and Lakeridge Drive along with the proposed commercial use and 44 town homes.</li> <li>The combined impact of additional traffic generated by the proposed commercial and residential development along with the expected traffic growth on West Circle Drive may create significant congestion and queuing problems at the intersection of Circle Drive and 7<sup>th</sup> Street NW. Therefore, the proposed public road should be properly spaced to handle the anticipated staking and queuing problem due to the proposed development.</li> <li>It is our determination that the proposed commercial area facing West Circle Drive should get access from the proposed public street. This access point to the commercial development off the proposed public road should meet the Access Spacing Standard mentioned under section 64.143 of Land Development Manual.</li> <li>Additional traffic operation review may need to be provided at the time of site plan submittal for the future commercial development.</li> </ul>
City	Amendments	<ul style="list-style-type: none"> <li>Rezoning Traffic Analysis was done for Fairway Woods in 1999. As</li> </ul>

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COUNTY OF  
*Olmsted*

PUBLIC WORKS DEPARTMENT  
2122 CAMPUS DR SE - SUITE 200  
ROCHESTER MN 55904-4744  
www.olmstedpublicworks.com  
507.285.8231

September 15, 2003

Jennifer Garness  
Planning Department

Dear Jennifer:

The Public Works Department has reviewed the Land Use Plan Amendment petition #03-05 and Zoning District Amendment #03-19 by Forbrook-Bigelow Development to amend Land Use Plan designation from "Low Density Residential" to "Commercial" and has the following comments:

- ***Access shall be from the local city street and not CSAH 22.***

Sincerely,

Michael Sheehan  
County Engineer

MTS/tls



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# Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060

2900 48<sup>th</sup> Street N.W.

Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

September 22, 2003

Jennifer Garness

Rochester-Olmsted Planning Department

2122 Campus Drive SE - Suite 100

Rochester, MN 55904

RE: Final Plat #02-21 to be known as Stonebridge by Exemplar, Inc. Money Purchase Pension Plan. The Plat proposes to subdivide approximately 26.37 acres of land into 68 lots for single family development and 4 outlots. The property is located along the west side of 36<sup>th</sup> Avenue SE (County Road 109) and south of College View Road (County Road 9).  
US Highway 14, CS 5503

General Development Plan #217 to be known as Oakridge Manor by Forbrook-Bigelow Development. The applicant is proposing to develop the property with commercial and single family residential uses. The property is located along the south side of 7<sup>th</sup> Street NW and along the east side of West Circle Drive and north of Lake Street NW.  
US Highway 14, CS 5503

\* Land Use Plan Amendment Petition #03-05 and Zoning District Amendment #03-19 by Forbrook-Bigelow Development to amend the Land Use Plan designation from "Low Density Residential" to "Commercial" on approximately 2.4 acres. The property is located along the south side of 7<sup>th</sup> Street NW and along the east side of West Circle Drive and north of Lake Street NW.  
US Highway 14, CS 5501

Amendment to General Development Plan #140 known as Fairway Ridge by Silvercrest Properties. The applicant is proposing to amend the approved GDP by changing the type of uses on the property. The property is located along the east side of West Circle Drive, south of Country Club Road and north of the Fox Croft Development.  
US Highway 14, CS 5501

Orderly Annexation Petition #03-22 by Joel Bigelow and Sons Enterprise, Inc. to annex approximately 14 acres of land located along the south side of 41<sup>st</sup> Street NW, along the east side of West Circle Drive NW and north of 40<sup>th</sup> Avenue NW.  
US Highway 52, CS 5508

Dear Ms. Garness:

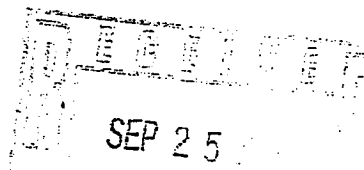
The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Mn/DOT recommends with these and other proposals that the City of Rochester develop an internal system of collector streets to manage future growth along the US Highway 14 Corridor to manage the impacts of these developments for Mn/DOT roadways.

Thank you for keeping Mn/DOT informed. Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

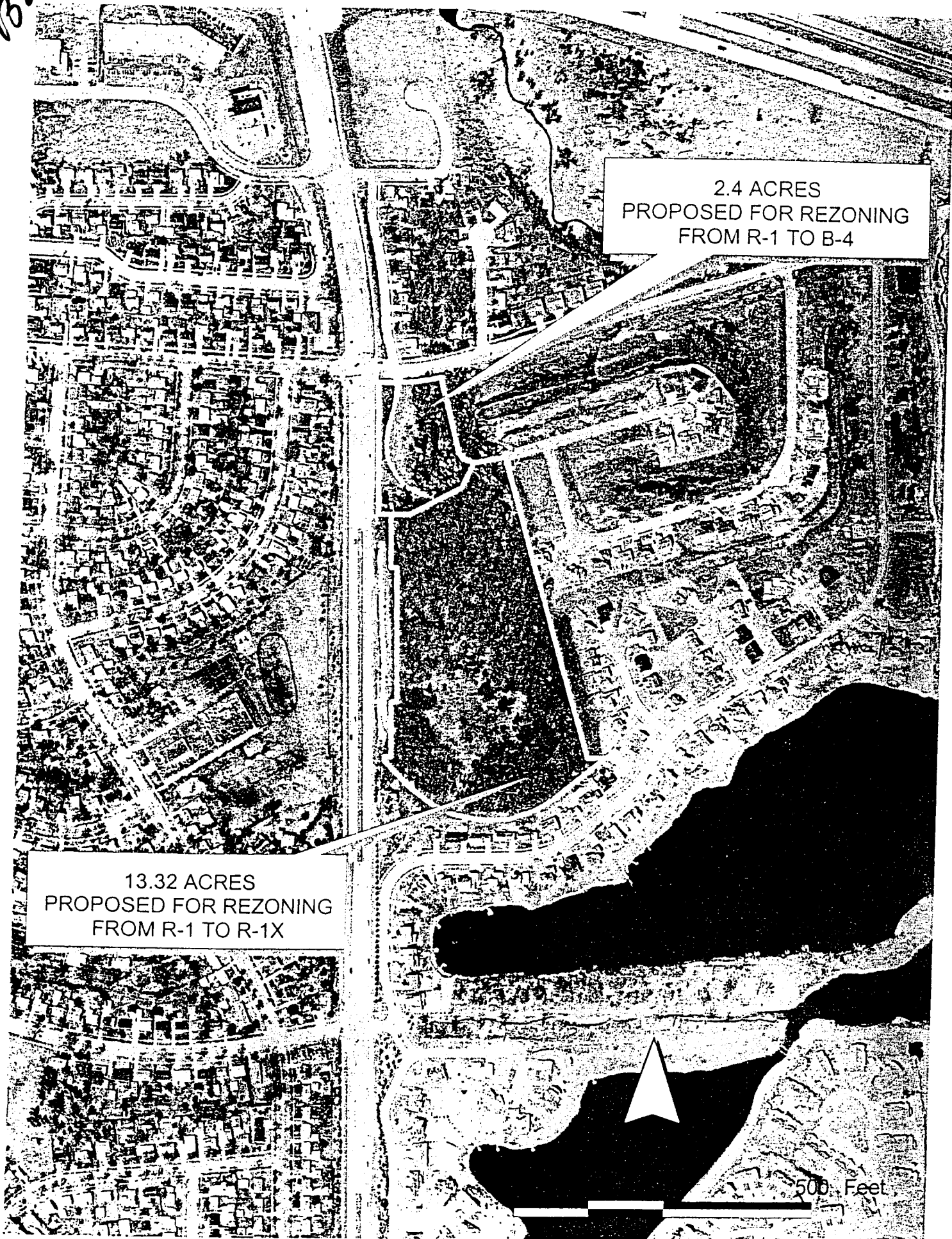
Sincerely,

A handwritten signature in cursive script, appearing to read 'Dale E. Maul'.

Dale E. Maul  
Planning Director



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2.4 ACRES  
PROPOSED FOR REZONING  
FROM R-1 TO B-4

13.32 ACRES  
PROPOSED FOR REZONING  
FROM R-1 TO R-1X



500 Feet

~~\*\*SEE ATTACHED  
FOR LEGAL  
DESCRIPTIONS~~

REZONE  
R-1 TO  
B-4

REZONE

10  
ENTER 1 TO  
SEP 10 2003

LACHENCREST ROOSTER OLIVIER

FORBROOK-BIGELOW  
DEVELOPMENT  
706 CTY. RD. 3 N.W.  
BYRON, MN.  
55920

Land Surveying  
Urban-Land  
Planning  
Consulting - Civil  
Engineering



Geotechnical  
Engineering  
Construction Material  
Testing  
Landscape  
Architecture

SCALE:	1" = 600'	
DRAWN BY:	KS	
DATE :	9/10/03	
ACCT. NO. :	1121A/3052	Cadd No. 3052GDP2

# 3A ROCHESTER FUTURE LAND USE PLAN TEXT

22. Preserve public access to water-based recreation sites.
23. Prohibit noticeable emissions of objectionable odors from industrial uses; curtail development in close proximity to open odor producing activities such as feedlot operations and sewage treatment plants.

## Locational Criteria

Several of the guidelines presented above could be considered as general planning principles, rather than as guidelines addressing specific growth problems affecting the City of Rochester and its environs. A number of additional planning principles specifically applicable to the various use designations have been identified as criteria for determining the most suitable uses for given sites and the most suitable locations for specific uses. In applying these criteria, it should be kept in mind that plan designations have been made based not only on locational factors but also on projected demand for various uses. Thus, a site that may be suitable for either a commercial or a residential use may be designated on the plan for residential purposes, based on projected land area needs. Within limits of projected needs (with allowances made for an excess of land supply over demand for each use designation), only the best sites have been identified for each use.

### A. Locational Criteria for Residential Uses

1. Low density residential uses are most suitable in areas with the following characteristics:
  - a. Having terrain with variety, but outside flood prone or poorly drained areas, and areas with slopes over fifteen percent.
  - b. Bounded but not penetrated by major streets.
  - c. Buffered from the adverse influences of industrial, commercial, and high activity/high density residential areas.
  - d. Served by park, school, and other public facility systems, especially bikeway and pedestrian systems.
2. Medium density residential uses are most suitable in areas with the following characteristics:
  - a. Having level to fairly rolling terrain, outside flood prone or poorly drained areas, or areas with steep slopes.
  - b. In close proximity to commercial areas, employment centers, recreation areas, or other facilities that serve smaller households.
  - c. Having good access by means of collector, arterial, and expressway streets and transit systems to employment centers, commercial areas, and community facilities.
  - d. Buffered from the adverse influences of commercial, industrial, and other incompatible activities.

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3. High density uses are most suitable in areas with the following characteristics:

- a. Having level to fairly rolling terrain, outside flood prone or poorly drained areas, or areas with steep slopes.
- b. In close proximity to major shopping areas, major employment centers, recreational and cultural facilities, and other facilities that serve smaller households.
- c. Having immediate pedestrian, highway, and transit access to commercial areas, community facilities, and major employment centers.
- d. Buffered from the adverse influences of industrial and other incompatible activities.
- e. Not adversely affecting adjoining low density residential areas.

B. Locational Criteria for Commercial Uses

The commercial designation on the Plan encompasses a wide range of uses, including, for example, grocery stores, department stores, restaurants, gas stations, motels, and professional offices. These uses vary widely in the amount and kind of traffic generated, the size of the service area, the level of compatibility with more sensitive uses (such as residential areas), and the type and number of clientele. Because of the wide variation in types of commercial use, a number of sets of criteria have been developed to deal with groups of commercial uses having several common characteristics. These are presented below:

- ★ 1. Neighborhood shopping centers, defined as small centers (four to eight acres in area) including stores catering to the daily or weekly convenience shopping needs and personal services needs of a neighborhood, are most suitable in areas with the following characteristics:
  - a. Located at the intersection of a collector street and/or higher level streets.
  - b. Having relatively flat terrain.
  - c. Having good vehicular and pedestrian access.
  - d. With a projected service area population of at least 1,500 households with a radius of one-half to one mile.
  - e. Having at least enough land area to serve the fully developed neighborhood at the rate of 2.5 acres of land per 1,000 neighborhood households.
- 2. Community shopping centers of 15 to 25 acres in area and including some stores (such as variety stores or small department stores) selling longer term shopping goods, such as appliances or apparel, are most suitable in areas with the following characteristics:

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- a. Located at the intersection of an arterial with similar or higher level streets.
  - b. Having relatively level terrain.
  - c. With a projected service area of roughly 10,000 households within a radius of two miles.
  - d. Having good pedestrian, vehicular, and transit access.
  - e. Having at least enough land area to serve the fully developed service area at the rate of 1.5 acres per 1,000 households.

3. Regional shopping centers, defined as including one or more major department stores, or several specialty stores, are best suited in areas with the following characteristics:
  - a. Located at the intersection of a major arterial or higher level street with similar or higher level streets.
  - b. Having level terrain.
  - c. Having good pedestrian, vehicular, and transit access.
  - d. Having at least 40 acres of land suitable for commercial development.

The service areas of regional shopping centers in Rochester extend beyond Olmsted County to include Southeastern Minnesota, Southwestern Wisconsin, and Northeastern Iowa. Projections of area requirements for regional shopping centers and for other commercial uses have been made on the basis of projected employment growth, as explained in Appendix B.

4. Highway commercial uses, which include uses oriented primarily to serving the traveling public, such as gas stations, drive-in restaurants, truck stops, motels, hotels, and so on, as well as uses requiring large areas of highway frontage, such as automobile dealerships, are most suitable in areas with the following characteristics:
  - a. On major highway approaches with access to a frontage road (or in the case of lodging establishments, in close proximity to major visitor attractions such as the medical complex).
  - b. Having relatively level terrain.
  - c. Providing for a concentration of similar uses.
  - d. Not detrimental to the safety or appearance of the surrounding area.
5. A number of other commercial uses that are less easily classified are listed below with recommended locational criteria:
  - a. Professional office uses. Major office uses, such as financial institutions, should locate in concentrations of similar uses in order to facilitate business transactions, to benefit from joint use of parking facilities, and so on. Office uses tend to draw customers

from throughout the City and its environs; hence, site characteristics of good access and visibility are essential. Minor office uses should also be clustered where possible; if clustering is not possible, uses should be located on the fringe of established or proposed community or regional shopping centers. Isolated office uses similar in character and intensity of use to, and not in conflict with, surrounding residential uses may be considered to be appropriate in areas designated predominantly for residential use.

- b. Business-serving commercial uses. Commercial uses primarily oriented toward services to other businesses, such as printing shops, sign painting companies, and so on, should also locate in close proximity to established or proposed community or regional shopping centers.
- c. Isolated neighborhood-oriented commercial uses. Currently, there are several small commercial uses, such as groceries and personal services businesses, located in residential areas of the City, providing needed convenient shopping and other facilities within walking distance of large parts of many of the City's established neighborhoods. It is proposed that zoning ordinances provide for this sort of use within residential use designations, especially in medium and high density planned unit developments, where the following conditions exist:
  - i. locational criteria "a", "b", and "c" of neighborhood shopping centers area met.
  - ii. no existing neighborhood shopping center is located within one-half mile of the proposed commercial use.
  - iii. adequate protection is given adjacent residential uses from adverse parking and traffic influences.

All types of commercial use other than those in B5a and B5c listed above should be allowed only in areas designated for commercial use.

- d. Recreational commercial uses. Private recreational commercial facilities of a low intensity of use, such as campgrounds, ski hills, and golf courses, should be accommodated in any area in the Land Use Plan, through zoning mechanisms that address potential noise, access, and other conflicts with residential development, or existing public open space uses, where pertinent. In general, recreational commercial uses should be allowed in areas that have good access, that are situated in such a way as not to adversely affect neighboring residential areas, and that have some significant natural feature making the area suitable for a recreational use. Such natural features might include streams, lakes, ponds, or other significant bodies of water; flood prone areas unsuited for other development; or steep or wooded hillsides. Zoning ordinances accommodating recreational commercial uses in a separate zone should not also routinely allow general commercial uses in that zone.

#### C. Locational Criteria for Industrial Uses

The industrial use designation on the proposed Plan provides for such activities as manufacturing; transportation, communications, and public utilities industries; warehousing; and construction industries. While these types of uses differ significantly in the potential effect on surrounding uses, their locational requirements are very similar. Sites to be considered for industrial uses should have the following character-

3. Grading and Drainage Plan approval is required prior to submitting the Final Plat. Storm Water Management must be provided and a Storm Water Management fee will be applicable to any areas of this development that do not drain to a privately constructed detention facility approved by the City for this development. Hydric soils exist on the easterly portion of this property in the drainageways, the applicant shall submit information on wetland existence and boundaries prior to the submittal of a grading plan and final plat.
4. Dedication of a temporary easement and construction of a temporary turn-around on said easement is required at the easterly extent of Tyrol Trail Drive (to be renamed Tyrol Drive SE).
5. Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along both sides of all new public roads within this development.
6. Dedication of parkland shall be met via: cash in lieu of land, as recommended by the City Park & Recreation Department in the attached memo, dated September 18, 2003.
7. Prior to Final Plat submittal and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, ownership & maintenance of the private lift station and proposed Outlot A, and contributions for public infrastructure.

X Land Use Plan Amendment Petition #03-05 and Zoning District Amendment #03-19 by Forbrook-Bigelow Development to amend the Land Use Plan designation from "Low Density Residential" to "Commercial" on approximately 2.40 acres of land and rezone approximately 2.40 acres from R-1 (Mixed Single Family) to B-4 (General Commercial) and approximately 13.32 acres from R-1 to R-1X (Mixed Single Family Extra). The property is located along the south side of 7<sup>th</sup> Street NW and along the east side of West Circle Drive and north of Lake Street NW.

AND

General Development Plan #217 to be known as Oakridge Manor by Forbrook-Bigelow Development. The applicant is proposing to develop the property with commercial and single family residential uses (townhomes and single family detached dwellings). The plan also allows for a public roadway connection to Lakeridge Place NW. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located along the south side of 7<sup>th</sup> Street NW and along the east side of West Circle Drive and north of Lake Street NW.

Mr. Brent Svenby presented the staff reports, dated October 3, 2003 and October 1, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Staver questioned why the parcel on the northwest corner zoned B-1 was appropriate and this proposed parcel is not appropriate for the B-4 zoning district.

Mr. Svenby stated that, according to the 1976 zoning map, the entire located northwest of the property was zoned B-1b and B-3. In 1976, the entire area was designated for commercial

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uses. Since that time, the area has been rezoned for residential purposes. All the property along 7<sup>th</sup> Street has been rezoned from the B-1b to the R-1 zoning district. The small piece of property found in the northwest corner is a remnant piece that was never rezoned at that time.

Mr. Svenby discussed the Criteria for commercial designation. The proposed 2.4 acres of land does not meet the criteria of different types of commercial designation.

Mr. Svenby explained that the B-5 zoning district is a neighborhood commercial zoning district. He indicated what uses were limited. He further explained that the uses are a Type II process that go to the Commission.

Mr. Burke asked if they could vote on each parcel individually.

Mr. Svenby responded yes.

The applicant's representative, Andy Masterpole of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN 55904), addressed the Commission. He gave the history of the site. They have surveyed over 500 trees so they can come up with a plan to preserve as many trees as possible. There was a neighborhood meeting one month ago. In response to the concerns indicated at the neighborhood meeting, they changed the small piece of commercial to 3 single family lots instead.

Mr. Masterpole stated that it is his belief that the locational criteria for commercial designations is outdated. The Land Use Plan is from 1979. He stated that the property has good vehicular access and is relatively level. He explained all the different uses in the entire surrounding area.

Mr. Masterpole explained that they are requesting the B-4 zoning district due to the flexibility with types of uses.

Ms. Rivas asked where the existing residential homes are located in the plan.

Mr. Masterpole showed her the location on large scale plans.

Mr. Haddon Carryer, of 3324 Lakeridge Drive NW, Rochester MN 55901, addressed the Commission. He indicated that his property abuts the back of the proposed development. He stated that he had been communicating with Forbrook-Bigelow Development since the neighborhood meeting was held and have been very responsive to him. Therefore, he is supporting the development with some reservations. He expressed concern about the inlet roadway being 50 feet off the back of his property, thereby having a roadway in front and behind his property. He asked for a similar setback from the property of 70 feet. He also expressed concern regarding possible water pressure problems, as the water pressure is currently low. He expressed further concern regarding what types of uses/businesses could be located in the area designated commercial. He stated that he did not want a business that would have lights on all night long.

Mr. Eric Alter, of 3330 Lakeridge Drive NW, Rochester MN 55901, addressed the Commission. He asked that the roadway access be moved farther away. He expressed concern with the commercial area and possibility of having a convenience store located there. He indicated that he can already view the Kwik Trip lights from his home which is over 1,500 feet away with trees in-between.

Mr. Lyle Karstens, of 3333 Lake Street NW, Rochester MN 55901, addressed the Commission. He stated that he attended the neighborhood meeting and was glad to see that they took out part of the commercial area previously designated and put single family homes there now. However, he expressed concern with the larger area now designated commercial. He asked that the Commission limit the types of uses that could occur there. He also expressed concern of problems with trash due to the types of use that could go there.

Ms. Petersson asked if he thought a coffee shop would be suitable for that area.

Mr. Karstens responded that there would still be trash.

Mr. Karl Dirksen, of 3322 Lake Street NW, Rochester MN 55901, addressed the Commission. He stated that he uses West Circle Drive all the time. He stated that he thought the Rochester-Olmsted Planning Department staff did an excellent job assessing the reasons why the zoning should not be changed to the B-4 zoning district. He stated that he thought the B-5 zoning district would be more restrictive but allow office buildings which would be more suitable for the area and not create traffic hazards.

Mr. H. W. Swanson, of 3415 7<sup>th</sup> Street NW, Rochester MN 55901, addressed the Commission. He stated that it was his understanding, from the neighborhood meeting, that a pot hole would be located where the plan now shows three single family homes.

Mr. Quinn responded that it would be the location for three single family lots.

Mr. Swanson expressed concern regarding congested traffic coming in and out of his driveway, as he already has problems. He also expressed concern regarding trash coming from the commercial site and having a negative impact on his property value.

Ms. Rivas asked what he would like to be located in the commercial area.

Mr. Swanson responded he was not sure. However, they neighborhood wouldn't be opposed to a playground.

Mr. Mike Paradise, of 706 County Road 3 NW, Byron MN 55920, addressed the Commission. He explained that the homes that they plan to build in the development would be affected by the commercial area as well as the neighboring properties. Therefore, they are putting a lot of thought into what will occur in the commercial area to make it desirable to live by. They plan to locate businesses there that support pedestrian traffic. He indicated that the developer would be open to put some type of restrictions on what could occur in the commercial area.

Ms. Petersson asked if he would be opposed to building restrictions and design restrictions.

Mr. Paradise responded that he would not be opposed to that.

Mr. Quinn asked if he could move the inlet roadway as Mr. Haddon Carryer discussed.

Mr. Paradise responded that he would have to check, as it was moved previously due to the slope and curve.

Mr. Staver asked why the developer is opposed to the B-1 zoning district.

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Mr. Masterpole responded that the biggest change is the hours of use. He discussed the changes between the B-1 and B-4 zoning district.

Mr. Staver stated that he thought the B-5 zoning district would be more restrictive, but the neighborhood would be more responsive.

Mr. Masterpole stated that the developer does not wish to rezone the property to the B-5 zoning district.

Mr. Haddon Carryer stated that he is against any change to commercial, since it is a residential neighborhood and the character needs to be maintained.

Mr. Staver asked if Mr. Carryer would object to the B-5 zoning district, which is a neighborhood commercial zoning district.

Mr. Carryer responded yes. He is not opposed to a small type of strip center.

Mr. H. W. Swanson stated that he was not opposed to the B-5 zoning district as well. He asked that the developer put commercial businesses there that do not generate a lot of traffic or trash.

Discussion ensued regarding acting on the application submitted.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Mr. Burke asked, if the commercial area was zoned B-5 and they came in with a specific proposal of use that would not fit within the B-5, would the applicant have an option of going through an restrictive development conditional use permit process with public hearings.

Mr. Svenby responded yes, even if it were zoned R-1.

Mr. Staver clarified that the Commission could not change the zoning request but had to act on what was submitted by the applicant.

**Mr. Haeussinger moved to recommend denial of Land Use Plan Amendment Petition #03-05 by Forbrook-Bigelow Development with the staff-recommended findings. The motion died due to lack of a second.**

**Ms. Rivas moved to recommend approval of Land Use Plan Amendment Petition #03-05 by Forbrook-Bigelow Development. Mr. Burke seconded the motion.**

**FINDINGS:**

**The property is located at the intersection of a collector street and a higher level street having good vehicular pedestrian access.**

**It will have relatively flat terrain.**

Discussion ensued regarding findings.

**Ms. Rivas withdrew her motion to approve Land Use Plan Amendment Petition #03-05.**

Mr. Staver stated that if they wanted to support the Land Use Plan Amendment and abide by the criteria, he would agree that it has fairly level rolling terrain, it is in close proximity to other similar facilities that serve smaller households, it has immediate pedestrian access, it is buffered, and it does not adversely affect adjoining low density residential properties.

**Mr. Haeussinger moved to recommend denial of Land Use Plan Amendment Petition #03-05 by Forbrook-Bigelow Development, based on the staff-recommended findings. The motion died due to lack of a second.**

Discussion ensued regarding wanting to locate commercial there but having problems with the proposed findings for the land use plan amendment.

**Ms. Petersson moved to continue Land Use Plan Amendment Petition #03-05 by Forbrook-Bigelow Development. Ms. Rivas seconded the motion.**

Discussion ensued regarding tabling the request.

Mr. Masterpole asked that the Commission either deny or approve the request so that it can move forward to the City Council.

**Ms. Petersson withdrew her motion to continue Land Use Plan Amendment Petition #03-05 by Forbrook-Bigelow Development.**

**Ms. Petersson moved to recommend denial of Land Use Plan Amendment Petition #03-05 by Forbrook-Bigelow Development with the staff-recommended findings. Mr. Burke seconded the motion. The motion carried 7-0.**

**Ms. Rivas moved to deny rezoning 2.4 acres from the R-1 (Mixed Single Family) district to the B-4 (General Commercial) District (Zoning District Amendment #03-19 by Forbrook-Bigelow Development) with the staff-recommended findings. Mr. Burke seconded the motion. The motion carried 7-0.**

**Mr. Burke moved to approve rezoning 13.32 acres from the R-1 (Mixed Single Family) to the R-1x (Mixed Single Family Extra) District (Zoning District Amendment #03-19 by Forbrook-Bigelow Development) with the staff-recommended findings. Mr. Burke seconded the motion. The motion carried 7-0.**

**Ms. Rivas moved to recommend approval of General Development Plan #217 to be known as Oakridge Manor by Forbrook-Bigelow Development and Substantial Land Alteration with the staff-recommended findings and seven conditions. Mr. Burke seconded the motion. The motion carried 7-0.**

**CONDITIONS:**

1. Application and receipt of the needed Design Modification to Section 64.224 Intersections;
2. Receipt of the requested exemption to the Substantial Land Alteration conditional use permit requirement;